UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-25,27-33,35 and 36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-25,27-33,35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 15 is objected to because of the following informalities: the term "the

aggregation display engine" does not possess proper antecedent basis. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-5, 7-25, 27-33, 35, and 36 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent No. 6,874,099 to Balasubramanian et al. (hereinafter

Balasubramanian).

        With respect to claim 1, Balasubramanian discloses a method for diagnosing and

repairing network devices on a network based on scenarios (abstract), comprising:

        aggregating responses to a selectable list of queries (column 5, lines 21-24) for a

plurality of scenarios on the network from a plurality of applications on the network

devices (column 4, lines 30-40 and lines 54-56, column 7, lines 5-12); and

automatically evaluating the responses to formulate corrective actions to address

the scenarios for the applications (column 4, lines 40-54, column 7, lines 25-34);

wherein the step of aggregating responses further comprises

filtering the responses according to a template; and

organizing the responses in a format that conforms to a format of the

template (column 2, line 64-column 3, line 2, column 7, lines 5-11 and lines 11-

34).

With respect to claim 2, Subramanian discloses presenting options to an operator

of the network to invoke the corrective actions (column 5, lines 28-29, column 6, lines

19-29).

With respect to claim 3, Balasubramanian discloses presenting the responses to

the operator of the network (column 6, lines 3-14, column 7, lines 11-13).

With respect to claim 4, Balasubramanian discloses issuing the queries to the

applications in an automatically established sequence (column 2, lines 53-64).

With respect to claim 5, Balasubramanian discloses detecting modifications to

the network and automatically modifying the queries to match the modifications (column

4, lines 57-62, column 8, lines 61-67).

With respect to claim 7, Balasubramanian discloses presenting the operator of

the network an option to customize the queries, the plurality of the scenarios, and the

corrective actions (column 4, lines 43-50, column 5, lines 25-29, column 6, lines 15-40).

With respect to claim 8, Balasubramanian discloses wherein each of the queries

corresponds to one of the plurality of scenarios (column 2, lines 53-64).

With respect to claim 9, Balasubramanian discloses a method for diagnosing and repairing network devices on a network based on scenarios (abstract), comprising:

aggregating responses to a selectable list of queries (column 5, lines 21-24) for a plurality of scenarios on the network from a plurality of applications on the network devices (column 4, lines 30-40 and lines 54-56, column 7, lines 5-12), wherein the queries are issued in an automatically established sequence (column 2, lines 53-64);

automatically evaluating the responses to formulate corrective actions to address the scenarios for the applications (column 4, lines 40-54, column 7, lines 25-34); and

presenting options to an operator of the network to invoke the corrective actions (column 5, lines 28-29, column 6, lines 19-29).

With respect to claim 10, Balasubramanian discloses detecting modifications to the network and automatically modifying the queries to match the modifications (column 4, lines 57-62, column 8, lines 61-67).

With respect to claim 11, Balasubramanian discloses presenting the operator of the network an option to customize the queries, the plurality of the scenarios, and the corrective actions (column 4, lines 43-50, column 5, lines 25-29, column 6, lines 15-40).

With respect to claim 12, Balasubramanian discloses filtering the responses according to a template; and organizing the responses in a format that conforms to a format of the template (column 2, line 64-column 3, line 2, column 7, lines 5-11 and lines 11-34).

With respect to claim 13, Balasubramanian discloses an apparatus for managing a plurality of network devices on a network (abstract), comprising:

a data aggregation engine that aggregates responses to a selectable list of

queries (column 5, lines 21-24) for a plurality of scenarios on the network from a

plurality of applications on the network devices (column 4, lines 30-40 and lines 54-56,

column 7, lines 5-12); and

a sequence engine that automatically evaluates the responses to formulate

corrective actions to address the scenarios for the applications (column 4, lines 40-54,

column 7, lines 25-34);

With respect to claim 14, Subramanian discloses a user interface, coupled to the

data aggregation engine, that presents options to an operator of the network to invoke

the corrective actions (column 5, lines 28-29, column 6, lines 19-29).

With respect to claim 15, Balasubramanian discloses wherein the user interface,

further coupled to the aggregation display engine, presents the responses to the

operator of the network (column 6, lines 3-14, column 7, lines 11-13).

With respect to claim 16, Balasubramanian discloses wherein the sequence

engine automatically establishes a sequence to issue the queries to the applications

(column 2, lines 53-64).

With respect to claim 17, Balasubramanian discloses wherein the data

aggregation engine detects modifications to the network and causes the sequence

engine to automatically modifying the queries to match the modifications (column 4,

lines 57-62, column 8, lines 61-67).

With respect to claim 18, Balasubramanian discloses wherein the data

aggregation engine further filters the responses according to a template; and organizes

the responses in a format that conforms to a format of the template (column 2, line 64-column 3, line 2, column 7, lines 5-11 and lines 11-34).

With respect to claim 19, Balasubramanian discloses wherein the user interface further presents the operator of the network an option to customize the queries, the plurality of the scenarios, and the corrective actions (column 4, lines 43-50, column 5, lines 25-29, column 6, lines 15-40).

With respect to claim 20, Balasubramanian discloses wherein each of the queries corresponds to one of the plurality of scenarios (column 2, lines 53-64).

Claims 21-25, 27, and 28 recite a computer-readable medium for performing the method of claim 1-5, 7, and 8, and are rejected under the same rationale.

Claims 29-33, 35, and 36 recite an apparatus comprising means for performing the method of claims 1-5, 7, and 8, and are rejected under the same rationale.

Response to Arguments

4.   Applicant's arguments filed 15 August 2007 have been fully considered but they are not persuasive.

Applicant argues Balasubramanian does not disclose aggregating responses and filtering responses according to a template, as recited in amended claim 1, and instead only teaches retrieving data for analysis, data mining, and recording results in a datastore. The examiner respectfully disagrees. Balasubramanian clearly teaches aggregating responses (column 4, lines 30-40 and lines 54-56, and column 7, lines 5-12). Balasubramanian further discloses use of Lightweight Directory Access Protocol

(LDAP) compliant directories for storing test result data (column 7, lines 8-9). LDAP compliant directories comprise entries consisting of attributes which are defined according to a schema. The entries may then be easily searched for particular data, such as disclosed by Balasubramanian (column 7, lines 25-29). Thus, for at least this reason, Balasubramanian discloses filtering the responses according to a template, as recited in claim 1. Claims 21 and 29 recite similar subject matter, and are also disclosed by Balasubramanian for the same rationale.

Applicant also asserts that Balasubramanian does not teach queries being issued in an automatically established sequence. The examiner respectfully disagrees. As stated by applicant, Balasubramanian discusses sending first and second test signals. Clearly this is equivalent to queries being issued in an automatically established sequence, since, in this process, a first test signal is sent to elicit a response, and then the second test signal is sent to elicit another response. In other words, the first and second test signals are issued in an automatically established sequence.

In response to applicant's arguments regarding claim 13, applicant is reminded that the grounds of the rejection, as discussed in MPEP 707.07(d), consists of a statement using "reject" following the statutory basis. In any case, since claim 1 was amended, claim 13 now recites differing subject matter and is fully rejected as stated above.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Guyton whose telephone number is (571) 272-

3807. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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